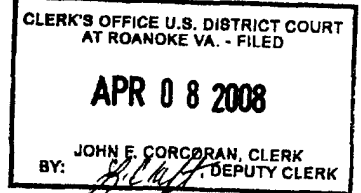


UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America)

v.)
Brian Carl Person)

Date of Previous Judgment: November 8, 2005)
(Use Date of Last Amended Judgment if Applicable))

Case No: 7:05CR00014-001

USM No: 11295-084

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: II

Criminal History Category: II

Previous Guideline Range: 120 to 121 months

Amended Guideline Range: 120 to 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

On November 8, 2005, the court reduced the defendant's sentences as to Counts One and Two to 30 months, below the original guideline range, pursuant to a substantial assistance motion. Because the amended guideline range is the same as the low end of the original range, the court does not find it appropriate to grant any additional reduction under 18 U.S.C. § 3582(c) and the 2007 amendments to the crack cocaine sentencing guidelines. The 60 month, consecutive sentence on Count Three, a violation of 18 U.S.C. 924(c), was not affected by the amendments. Thus, the total sentence of imprisonment remains 90 months.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/08/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 8, 2008

James C. Turk
Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title